



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,967	01/15/2002	Kevan M. Shokat	051538-5001-01	3019
9629	7590	11/09/2004		EXAMINER
MORGAN LEWIS & BOCKIUS LLP				HARLE, JENNIFER I
1111 PENNSYLVANIA AVENUE NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20004			1654	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

Claims 1-6 and 61-76 were pending. Applicants have canceled claims 1-76 and submitted new claims 77-104. However, these claims are deemed directed to non-elected subject matter, as set forth below.

### *Response to Amendment*

The reply filed on August 12, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the newly submitted claims are directed to non-elected subject matter. Newly submitted claims 77-104 are directed to non-elected inventions that are independent or distinct from the invention originally claimed for the following reasons: Applicant has changed the claimed inhibitor. Claim 1 used to recite an inhibitor with no catalytic activity of a wild-type enzyme. Claim 77 now recites an inhibitor with activity for the wild-type enzyme. Thus, the invention has been changed, because the inhibitor has been changed since one has activity and the other does not. See Previous Office Action, pages 2-4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 77-104 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I. Harle whose telephone number is (571) 272-2763. The examiner can normally be reached on Monday through Thursday, 6:30 am to 5:00 pm.,

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MICHAEL MELLER  
PRIMARY EXAMINER**

Jennifer Ione Harle  
October 21, 2004